

R E M A R K S

I. Introduction/Summary

- Claims **49 – 69** are currently pending and all stand rejected under 35 U.S.C. §102(e);
- Of the pending claims, only claims **49 and 59** are independent;
- Upon entry of the present amendments, which are respectfully requested:
 - Independent claims **49 and 59** will be amended to claim a particular embodiment described in the specification as filed;
 - dependent claims **51, 53 – 56 and 61 – 66** will be amended to be consistent with the language of claims **49 and 59** as amended; and
 - Independent claim **70** will be added, which is an article of manufacture claim essentially corresponding to independent method claim **49**.

II. Specification Objection

The specification has been objected to as having a typographical error on page 133. Applicants have amended the specification herein to correct this error and thank the Office for bringing the error to Applicants' attention. Applicants have further amended the specification to update the status of a parent application.

III. Claim Rejections – 35 USC §102(e)

Claims **49, 50, 53, 54, 57, 59, 60, 63, 64 and 67** stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,962,530 (Publication No. 2003/02037756 to Jackson ("Jackson" herein). Applicants respectfully traverse this rejection for the reasons set forth below. While Applicants maintain the positions set out for the patentability of the claims prior to any amendments made herein over Jackson, in the response to the previous Office Action (the Office Action mailed October 26, 2010), Applicants have amended the claims to further distinguish from Jackson and to claim a particularly desirable embodiment.

Applicants respectfully submit that Jackson fails to teach or suggest the following limitations of the claims as follows:

With respect to independent claim 49 and 59 as amended herein (and thus all claims dependent therefrom and including the same limitations):

- *a game which is “operable either with the particular feature being enabled during play of the game or without the particular feature being enabled during play of the game” and*
- *only if the expiration condition [associated with an authorization code received from a regulatory authority] has not yet been met, allowing play of the game on the particular gaming device with the particular feature enabled, otherwise outputting a message indicating that the game is currently only available for play without the particular feature enabled*

Jackson is directed to particular methods of verifying that the code for a game or feature of a game has not been tampered with or altered from a state in which it was approved by a regulatory agency or provided by a manufacturer of the game. The stated objective in Jackson is “to ensure the security of the exchanged data...ensuring that such data is not altered or forged.” Col. 15: 22 – 31. In other words, the Jackson system is an authentication system for casino games (as evidenced by the title and written description as a whole). As explained by Jackson: “The essential objective of authentication programs is to provide near absolute assurance that data stored in memory has not been corrupted, violated, altered or otherwise changed from the original data placed into memory.” Col. 15: 44 – 47. The authentication protocols of Jackson are binary: if the game data is determined to have been altered, forged or is otherwise not authenticated, the game is not allowed to be played at all. Jackson does not contemplate, nor does it make sense to modify Jackson to include, a method in which one version of a game is allowed to be played (e.g., a version with a particular feature enabled) but not another if the game data is not authenticated. In accordance with the purpose of Jackson, if the

game data is not authenticated properly, there may be a serious authentication problem and the game should not allowed to be played at all.

For the above reasons, Applicants respectfully request that the rejection over Jackson should be withdrawn.

IV. Claim Rejections – 35 U.S.C. §103(a)

Claims **51, 52, 55, 56, 58, 61, 62, 65 and 66** stand rejected under 35 U.S.C. §103(a) as being obvious over Jackson in view of U.S. Patent Publication No. 2002/0071557 (“Nguyen” herein). Applicants respectfully traverse this rejection. As Nguyen does not cure the deficiencies of Jackson, Applicants respectfully submit that claims **51, 52, 55, 56 and 58** (each dependent from claim **49**) and claims **61, 62, 65 and 66** (each dependent from claim **59**) are patentable at least for the same reasons as claims **49 and 59**.

V. Additional Comments

Applicants silence with respect to the Office’s other various assertions not explicitly addressed in this paper, including assertions of (1) what the cited reference(s) teach or suggest, (2) the Office’s interpretation of claimed subject matter or the Specification and (3) assertions of what knowledge was generally known in the art at the time of invention, is not to be understood as agreement with the Office. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

Conclusion

At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance, or in better form for appeal, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham via the contact information provided below.

Authorization to Charge Fees

Applicants believe that a one month extension of time is required to make this Amendment and Response timely. Accordingly, please grant a petition for a one month extension of time necessary to make this submission timely. Additionally, please charge any fees required for this submission, including a one month extension of time fee as follows:

Deposit Account: 50-0271

Order No. 02-034

Charge any additional fees or credit any overpayment to the same account.

Respectfully submitted,

August 08, 2011
Date

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